

## OPINION 1346

*CY THEREIS DISTINGUENDA* NEVIANA, 1928, *CY THERE*  
*CRISPATA* BRADY, 1868 AND *CY THERE PAVONIA* BRADY, 1866  
(CRUSTACEA, OSTRACODA): TYPE MATERIAL  
CONSERVED

RULING.—(1) Under Article 75h the previously designated neotypes of *Cythereis distinguenda* Neviana, 1928, *Cythere pavonia* Brady, 1866 and *Cythere crispata* Brady, 1868 by Athersuch & Bonaduce, 1977, Athersuch, 1978 and Athersuch & Whittaker, 1980 respectively, are hereby ruled not to be name-bearing types and the designations of lectotypes for *Cythereis distinguenda* and *Cythere pavonia* and of a holotype for *Cythere crispata* are hereby ratified.

(2) The following names are hereby placed on the Official List of Specific Names in Zoology with the Name Numbers specified:

- (a) *distinguenda* Neviana, 1928 as published in the binomen *Cythereis distinguenda* and as interpreted by the lectotype designated by Athersuch, 1982. (Name Number 3008);
- (b) *pavonia* Brady, 1866, as published in the binomen *Cythere pavonia* and as interpreted by the lectotype designated by Athersuch, 1982 (Name Number 3009);
- (c) *crispata* Brady, 1868, as published in the binomen *Cythere crispata* and as interpreted by the holotype identified by Athersuch, 1982 (Name Number 3010).

## HISTORY OF THE CASE Z.N.(S.)2392

An enquiry as to the best procedure to be taken regarding the rediscovered type material of *Cythereis distinguenda* Neviana, 1928, *Cythere crispata* Brady, 1868 and *C. pavonia* Brady, 1866 was first received from Dr J. Athersuch (BP Research Centre, Sunbury-on-Thames, U.K.) on 30 September 1981. After some correspondence a draft application was received on 13 October 1981. This was sent to the printers on 11 May 1982 and published in *Bull. zool. Nom.*, vol. 39, pp. 226–227. No plenary powers were involved and no comments were received.

## DECISION OF THE COMMISSION

On 15 January 1985 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1985)12 for or against the proposals set out in *Bull. zool. Nom.* vol. 39, p. 227. At the close of the voting period on 15 April 1985 the state of the voting was as follows:

Affirmative Votes—twenty-two (22) received in the following

order: Melville, Brinck, Holthuis, Savage, Lehtinen, Willink, Sabrosky, Trjapitzin, Hahn, Mroczkowski, Cocks, Starobogatov, Bayer, Alvarado, Corliss, Uéno, Schuster, Kraus, Cogger, Heppell, Dupuis, Ride

Negative Votes — one (1) Bernardi.

Late affirmative votes were returned by Halvorsen and Binder.

The following comments were returned by Commissioners with their voting papers:

*Cogger*: 'There is no evidence in Brady's original description of *Cythere crispata* (reference to which is annoyingly omitted from the proposal) that Brady had before him only a single specimen. Indeed, use of the phrase "a re-examination of the specimens" while ambiguous (i.e. it could refer to specimens of *Cythere badia*), leaves the issue in doubt. Consequently without unequivocal reference to a single specimen in the original description, it would be more appropriate to designate the rediscovered type of *crispata* a lectotype rather than a holotype.' [This comment was forwarded to the applicant who replied thus: 'My reason for designating the rediscovered specimen of *Cythere crispata* Brady as a holotype rather than a lectotype is based on the fairly sound assumption that further specimens of the type series no longer survive.

'It is known that Brady's recent Mediterranean material is confined to the Hancock Museum, Newcastle, the BN(NH) London and to the Centre d'Etudes et de Recherches Scientifiques, Biarritz. A personal search of the collections of the first two institutions failed to recover further examples of this species, and documentary evidence of the collection in Biarritz (see *The Ostracodologist* 1970, No 16, p. 5) shows that no specimens survive here either.']

*Heppell*: 'The Commission does not have to ratify the designation of lectotypes and holotype as requested in paragraph 2. If the three neotypes are set aside the original types are reinstated.'

*Bernardi*: 'Je vote contre parce que:

'Cas "A" (*Cythere oblonga/Urocythereis distinguenda*): la suppression du néotype n'est pas utile, puisque ce néotype et l'éventuel lectotype sont conspécifiques et qu'ainsi ce changement de type ne précise aucun problème taxonomique; le sexe du lectotype éventuel ne pouvant même pas être déterminé avec certitude. Il est préférable de conserver le néotype comme support du nom.

'Cas "B" et "C" (*Cythere pavonia* et *Cythere crispata*); puisque la création des néotypes est jugée invalide par un des co-auteurs de la désignation, ces deux cas relèvent de l'Article 75(c) de la nouvelle édition du Code ("Cas exclus"). Ces deux néotypes n'ont donc "pas d'existence" et tout auteur est libre de désigner des lectotypes si la série typique est redécouverte, sans intervention de la Commission.

'L'ensemble des points discutés ici est d'un grand intérêt car ils feront "jurisprudence" en matière d'application des nouvelles dispositions du Code à propos de types. Cela mériterait une discussion générale au cours d'un colloque ou autre réunion.'

## ORIGINAL REFERENCES

The following are the original references for the names placed on an Official List by the ruling given in the present Opinion:

*crispata*, *Cythere*, Brady, 1868, *Ann. Mag. nat. Hist.*, ser. 4, vol. 2, pl. 14, figs. 14, 15

*distinguenda*, *Cythereis*, Neviana, 1928, *Memorie Accad. pont. Nouvi Lincei*, ser. 2, vol. 11, p. 105

*pavonia*, *Cythere*, Brady, 1866, *Trans. zool. Soc. Lond.*, vol. 5(5), pp. 378-379.

## CERTIFICATE

I hereby certify that the votes cast on Voting Paper (85)12 were cast as set out above, that the proposals contained in that voting paper have been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1346.

R. V. MELVILLE

*Secretary*

*International Commission on Zoological Nomenclature*

*London*

*16 June 1985*